

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 2

DOCKET NO.: 2007-1391-PWS-E **TCEQ ID:** RN101232031 **CASE NO.:** 34516**RESPONDENT NAME:** Southwest Texas District of the Pentecostal Church of God, Inc.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Canyon Oaks Ranch, located 1.5 Miles South of Fischer on Cranes Mill Road, Comal County</p> <p>TYPE OF OPERATION: Public drinking water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Enforcement Division, Enforcement Team 2, (512) 239-5610, MC 169; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. John Norvell, President, Southwest Texas District of the Pentecostal Church of God, Inc., P.O. Box 49, Fischer, Texas 78623 Dr. Dan Chapman, CFO, Southwest Texas District of the Pentecostal Church of God, Inc., P.O. Box 49, Fischer, Texas 78623 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

DOCKET NO.: 2007-1391-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 1, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 10, 2007(NO)</p> <p>Background Facts: This was a routine records review investigation. One violation was documented.</p> <p>WATER</p> <p>Failed to collect water samples for monthly bacteriological analysis of the public drinking water supply and failed to provide public notification of the failure to conduct monthly bacteriological sampling during the months of December 2006, January 2007, February 2007, March 2007, and May 2007 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p>	<p>Total Assessed: \$1,887</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,887</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification:</p> <p>Three repeated enforcement actions over the prior five year period for the same or similar violation.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order:</p> <p>i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply, in accordance with 30 TEX. ADMIN CODE § 290.122; and</p> <p>ii. Begin collecting water samples utilizing samples which are representative of the Facility's water system, according to the Facility's written Sample Siting Plan, as required by 30 TEX. ADMIN CODE § 290.109.</p> <p>b. Within 15 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): CN600623771



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	6-Aug-2007	Screening	14-Aug-2007	EPA Due	1-Sep-2007
	PCW	23-Aug-2008				

RESPONDENT/FACILITY INFORMATION

Respondent	Southwest Texas District of the Pentecostal Church of God, Inc.		
Reg. Ent. Ref. No.	RN101232031		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34516	No. of Violations	1
Docket No.	2007-1391-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Christopher Keffer
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$1,250

ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 39% Enhancement Subtotals 2, 3, & 7 \$487

Notes: The penalty is enhanced due to seven NOVs with violations same or similar to those cited in this action and two unrelated NOVs.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes: The Respondent does not meet the good faith criteria.

Sum of Subtotals 1-7 0% Enhancement* Subtotal 6 \$0

Total EB Amounts	\$79
Approx. Cost of Compliance	\$150

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$1,737

OTHER FACTORS AS JUSTICE MAY REQUIRE 9% Adjustment \$150

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: Enhancement recommended for the recovery of avoided costs of compliance.

Final Penalty Amount \$1,887

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$1,887

DEFERRAL 0% Reduction Adjustment \$0

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$1,887

Screening Date 14-Aug-2007

Docket No. 2007-1391-PWS-E

PCW

Respondent Southwest Texas District of the Pentecostal Church of G

Policy Revision 2 (September 2002)

Case ID No. 34516

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101232031

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	7	35%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 39%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

The penalty is enhanced due to seven NOVs with violations same or similar to those cited in this action and two unrelated NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 39%

Screening Date 14-Aug-2007 Respondent Southwest Texas District of the Pentecostal Church of God, Inc. Case ID No. 34516 Reg. Ent. Reference No. RN101232031 Media [Statute] Public Water Supply Enf. Coordinator Christopher Keffer Violation Number <input type="text" value="1"/>	Docket No. 2007-1391-PWS-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision June 26, 2007</i>																				
Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and Tex. Health & Safety Code § 341.033(d)																					
Violation Description Failed to collect water samples for monthly bacteriological analysis of the public drinking water supply and failed to provide public notification of the failure to conduct monthly bacteriological sampling during the months of December 2006, January 2007, February 2007, March 2007, and May 2007.																					
Base Penalty <input type="text" value="\$1,000"/>																					
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 20%;">Major</th> <th style="width: 20%;">Moderate</th> <th style="width: 20%;">Minor</th> <th style="width: 25%;"></th> </tr> </thead> <tbody> <tr> <td>Release</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> <td>Percent <input type="text" value="25%"/></td> </tr> </tbody> </table>		Major	Moderate	Minor		Release					Actual					Potential	x			Percent <input type="text" value="25%"/>
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>> Programmatic Matrix																					
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	Major	Moderate	Minor																		
Falsification																					
				Percent <input type="text" value="0%"/>																	
Matrix Notes	<div style="border: 1px solid black; padding: 5px;"> Failure to perform routine bacteriological sampling of the public water supply could result in the public being exposed to significant amounts of bacteriological contamination in the drinking water which could exceed levels that are protective of human health. </div>																				
Adjustment <input type="text" value="\$750"/>																					
<input type="text" value="\$250"/>																					
Violation Events																					
<table style="width: 100%;"> <tr> <td style="width: 40%;"> Number of Violation Events <input type="text" value="5"/> </td> <td style="width: 20%; text-align: center;"> <input type="text" value="152"/> </td> <td style="width: 40%;"> Number of violation days </td> </tr> </table>		Number of Violation Events <input type="text" value="5"/>	<input type="text" value="152"/>	Number of violation days																	
Number of Violation Events <input type="text" value="5"/>	<input type="text" value="152"/>	Number of violation days																			
mark only one with an x	<table border="1" style="width: 100%; border-collapse: collapse;"> <tbody> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </tbody> </table>	daily		monthly	x	quarterly		semiannual		annual		single event		Violation Base Penalty <input type="text" value="\$1,250"/>							
daily																					
monthly	x																				
quarterly																					
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annual																					
single event																					
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> Five monthly events are recommended. </div>																					
Economic Benefit (EB) for this violation		Statutory Limit Test																			
Estimated EB Amount <input type="text" value="\$79"/>	Violation Final Penalty Total <input type="text" value="\$1,887"/>																				
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$1,887"/>																			

Economic Benefit Worksheet

Respondent Southwest Texas District of the Pentecostal Church of God, Inc.
Case ID No. 34516
Reg. Ent. Reference No. RN101232031
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$150	1-Dec-2006	1-Jun-2007	0.5	\$4	\$75	\$79
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to conduct monthly bacteriological sampling and/or provide public notification, calculated for the months in which no monitoring and notice was performed to the month in which the respondent achieved compliance.

Approx. Cost of Compliance \$150

TOTAL \$79

Compliance History

Customer/Respondent/Owner-Operator:	CN600623771	Southwest Texas District of the Pentacostal Church of God, Inc.	Classification:	Rating:
Regulated Entity:	RN101232031	CANYON OAKS RANCH	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	0460128
Location:	1.5 M S OF FISCHER ON CRANES MILL ROAD			
TCEQ Region:	REGION 13 - SAN ANTONIO			
Date Compliance History Prepared:	August 23, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 23, 2002 to August 23, 2007			

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Christopher Keffer Phone: (512) 239-5610

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? Yes
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A

- B. Any criminal convictions of the state of Texas and the federal government.
N/A

- C. Chronic excessive emissions events.
N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	05/19/2003	(31824)
2	08/20/2003	(150908)
3	09/25/2006	(567822)
4	10/25/2006	(568750)
5	01/26/2007	(568751)
6	02/21/2007	(569058)
7	03/28/2007	(539299)
8	03/29/2007	(568754)
9	04/25/2007	(569138)
10	06/25/2007	(569258)
11	07/24/2007	(569741)

- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	05/19/2003	(31824)			
Self Report?	NO		Classification:	Minor	
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(2)				
Description:	Failure to maintain the roof hatch on the ground storage tank locked at all times to prevent any contamination from entering the water supply from outside sources.				
Self Report?	NO		Classification:	Minor	
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)				
Description:	Failure to enclose the potable water storage tanks with an intruder-resistant fence with lockable gates or a locked, ventilated house.				
Date:	09/25/2006	(567822)			
Self Report?	NO		Classification:	Moderate	
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)				
Description:	08/2006-Failure to collect any routine monitoring sample(s) for 08/2006.				
Self Report?	NO		Classification:	Moderate	

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: 08/2006-Failure to post PN for not collecting any routine monitoring sample(s) in 08/2006.
 Date: 10/25/2006 (568750)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: 09/2006 - Failure to collect any routine monitoring sample(s) for 09/2006.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: 09/2006 - Failure to post PN for not collecting any routine monitoring sample(s) in 09/2006.
 Date: 01/26/2007 (568751)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: 12/2006 - Failure to collect any routine monitoring sample(s) for 12/2006.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: 12/2006 - Failure to post PN for not collecting any routine monitoring sample(s) in 12/2006.
 Date: 02/21/2007 (569058)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: 01/2007 - Failure to post PN for not collecting any routine monitoring sample(s) in 01/2007.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: 01/2007 - Failure to collect any routine monitoring sample(s) for 01/2007.
 Date: 03/27/2007 (539299)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)
 Description: Failure to provide a flow measuring device
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)
 Description: Failure to provide a plant operations manual.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
 Description: Failure to maintain monthly operations reports.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
 Description: Failure to provide a minimum pressure of 35 psi throughout the distribution system
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)
 Description: Failure to provide a current distribution map.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 Description: Failure to conduct an annual tank inspection
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
 Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L
 Date: 03/29/2007 (568754)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: 02/2007 - Failure to collect any routine monitoring sample(s) for 02/2007.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: 02/2007 - Failure to post PN for not collecting any routine monitoring sample(s) in 02/2007.
 Date: 04/25/2007 (569138)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: 03/2007 - Failure to post PN for not collecting any routine monitoring sample(s) in 03/2007.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: 03/2007 - Failure to collect any routine monitoring sample(s) for 03/2007.
 Date: 06/25/2007 (569258)

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)		
Description:	05/2007 - Failure to post PN for not collecting any routine monitoring sample(s) in 05/2007.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)		
Description:	05/2007 - Failure to collect any routine monitoring sample(s) for 05/2007.		

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING**

**SOUTHWEST TEXAS DISTRICT OF THE
PENTECOSTAL CHURCH OF GOD, INC.
RN101232031**

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-1391-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Southwest Texas District of the Pentecostal Church of God, Inc. ("Southwest Texas District") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Southwest Texas District presented this agreement to the Commission.

Southwest Texas District understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Southwest Texas District agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Southwest Texas District.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. Southwest Texas District owns and operates a public drinking water supply located 1.5 miles south of Fischer on Cranes Mill Road, Comal County, Texas (the "Facility") that has approximately 15 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review on June 1, 2007, TCEQ staff documented that Southwest Texas District did not collect water samples for monthly bacteriological analysis of the public water supply and did not provide public notification of the failure to conduct monthly bacteriological sampling during the months of December 2006, January 2007, February 2007, March 2007, and May 2007.
3. Southwest Texas District received notices of the violations dated July 15, 2007.

II. CONCLUSIONS OF LAW

1. Southwest Texas District is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, Southwest Texas District failed to collect water samples for monthly bacteriological analysis of the public drinking water supply and failed to provide public notification of the failure to conduct bacteriological sampling, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Southwest Texas District for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of One Thousand Eight Hundred Eighty-Seven Dollars (\$1,887) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Southwest Texas District has paid the One Thousand Eight Hundred Eighty-Seven Dollar (\$1,887) administrative penalty.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Southwest Texas District is assessed an administrative penalty in the amount of One Thousand Eight Hundred Eighty-Seven Dollars (\$1,887) as set forth in Section II, Paragraph Four above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Southwest Texas District's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Southwest Texas District of the Pentecostal Church of God, Inc., Docket No. 2007-1391-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Southwest Texas District shall undertake the following technical requirements:

- a. Within 10 days after the effective date of this Agreed Order:
 - i. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply, in accordance with 30 TEX. ADMIN CODE § 290.122; and
 - ii. Begin collecting water samples utilizing samples which are representative of the Facility's water system, according to the Facility's written Sample Siting Plan, as required by 30 TEX. ADMIN CODE § 290.109.
- b. Within 15 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:


Water Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon Southwest Texas District. Southwest Texas District is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Southwest Texas District shall be made in writing to the Executive Director. Extensions are not effective until Southwest Texas District receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Southwest Texas District if the Executive Director determines that Southwest Texas District has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Southwest Texas District in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

12/21/07
11/6/07

Date

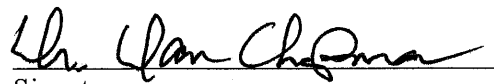
I, the undersigned, have read and understand the attached Agreed Order in the matter of Southwest Texas District of the Pentecostal Church of God, Inc. I am authorized to agree to the attached Agreed Order on behalf of Southwest Texas District of the Pentecostal Church of God, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Southwest Texas District of the Pentecostal Church of God, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

12/6/07

Date

DR. DAN CHARMAN

Name (Printed or typed)
Authorized Representative of
Southwest Texas District of the Pentecostal Church of God, Inc.

C. F. O.

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order

1. The first part of the document is a letter from the President of the United States to the Congress, dated January 3, 1862.

2. The second part is a report from the Secretary of the Treasury, dated January 3, 1862.

3. The third part is a report from the Secretary of the Interior, dated January 3, 1862.

4. The fourth part is a report from the Secretary of the Navy, dated January 3, 1862.

5. The fifth part is a report from the Secretary of the War, dated January 3, 1862.

6. The sixth part is a report from the Secretary of the State, dated January 3, 1862.

7. The seventh part is a report from the Secretary of the War, dated January 3, 1862.

8. The eighth part is a report from the Secretary of the War, dated January 3, 1862.

9. The ninth part is a report from the Secretary of the War, dated January 3, 1862.

10. The tenth part is a report from the Secretary of the War, dated January 3, 1862.

11. The eleventh part is a report from the Secretary of the War, dated January 3, 1862.

12. The twelfth part is a report from the Secretary of the War, dated January 3, 1862.

13. The thirteenth part is a report from the Secretary of the War, dated January 3, 1862.

14. The fourteenth part is a report from the Secretary of the War, dated January 3, 1862.

15. The fifteenth part is a report from the Secretary of the War, dated January 3, 1862.

16. The sixteenth part is a report from the Secretary of the War, dated January 3, 1862.

17. The seventeenth part is a report from the Secretary of the War, dated January 3, 1862.

18. The eighteenth part is a report from the Secretary of the War, dated January 3, 1862.

19. The nineteenth part is a report from the Secretary of the War, dated January 3, 1862.

20. The twentieth part is a report from the Secretary of the War, dated January 3, 1862.